

NORFOLK CIRCUIT COURT

George E. Schaefer, Clerk



EXPUNGEMENT BROCHURE

Rev 1/2006

EXPUNGEMENT OF CRIMINAL RECORDS

Effective July 1, 2004

Before proceeding, see Virginia State Code section §19.2-392.2.

1. Prepare a petition, which includes your personal information, the charge or charges to be expunged and all other information pertaining to those charges. Be sure to include each charge to be expunged and coinciding dates.

****BE SURE TO INCLUDE YOUR CURRENT ADDRESS****

EXAMPLE FORM ATTACHED

2. Certified copies of warrants/indictments that the Judge previously dismissed must be attached to the petition.
3. The filing fee is Sixty-nine dollars(\$69.00).
Additionally, there is a \$12.00 fee to have a copy of the petition and warrants served on the Commonwealth's Attorney (800 East City Hall Avenue, Suite 600, Norfolk, VA 23510).
4. The clerk's office accepts payments in the form of cash, check, money order or credit card. Your check or money order should be made payable to Norfolk Circuit Court in the amount of \$81.00 (filing fee and sheriff's fee). You must file an original and two copies of the petition including warrants and indictments.
5. The Commonwealth Attorney will be served and will respond with an "Answer", either agreeing or disagreeing with your request for expungement.
6. The Petitioner must provide a copy of the Petition to the local law enforcement agency to obtain a finger print card. The Police Department will then forward the fingerprint card to CCRE (Central Criminal Records Exchange). CCRE will then forward, under seal, the Petitioner's criminal history and the set of fingerprints to the Court. Please note that your case will not proceed unless this is done.

7. If the Commonwealth is in agreement with your petition for Expungement, prepare an order. When preparing the Order, ensure that all charges to be expunged are cited again in the order. Sign the Order and send it to the Commonwealth attorney for his endorsement. The Order must then be sent to the Court for entry.
8. After a Judge signs the Order, you will be sent 3 certified copies of the Order and the court will forward the Order to the appropriate law enforcement agency in order to have the charges expunged. Please note that this process can take from 3- 6 months to be completed.
9. If the Commonwealth objects, you will need to schedule a hearing for a Judge's ruling on your request. You may contact the Commonwealth Attorney's office (664-4444) to schedule a mutually agreeable trial date. Once a date has been selected, a notice of hearing must be filed with the Court.

Attached are sample forms, however, we suggest you consult an Attorney or visit the Norfolk/Portsmouth Law Library located in the First Union Building on Waterside Drive for further assistance and/or information.

EXAMPLE FORM

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

_____, Petitioner

vs.

Civil # _____

_____, Respondent

PETITION FOR EXPUNGEMENT

To the Honorable Judges of the aforesaid court

Your Petitioner, YOUR NAME HERE, respectfully
represents unto this Honorable court as follows:

1. His/Her full name is YOUR NAME, his/her social security number is _____, and his/her date of birth is _____, and his/her current address is _____.
2. That on DATE OF OFFENSE, your Petitioner was charged by the Norfolk Police Department with OFFENSES, in violation of the Virginia code section(s) CODE SECTION. A copy of the summons/warrant received by Petitioner is attached hereto as Exhibit "A" and by this reference is made a part hereto.
- 2a. That the said charge(s) were DISPOSITION on COURT DATE, in the Norfolk STATE WHICH COURT Court.
3. That the continued existence and possible dissemination of information relating to the arrest of the Petitioner caused or may cause circumstances which constitute a manifest injustice to the Petitioner.

WHEREFORE, your Petitioner prays that this Honorable
court enter an Order of Expungement in this matter

sign here

Petitioner

CITY OF NORFOLK
STATE OF VIRGINIA, to-wit

The foregoing instrument was subscribed and sworn
before me the _____ day of _____, 20__

Notary Public

MY COMMISSION EXPIRES: _____

CERTIFICATE

I Hereby certify that a true copy of the foregoing
Petition for Expungement was (hand-delivered or mailed) to
John R. Doyle III, Commonwealth Attorney, Office of the
Commonwealth Attorney, 800 East City Hall Avenue, Suite
600, Norfolk, VA 23510, this _____ day of _____
20__.

sign here

Petitioner

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF: NORFOLK

_____, Petitioner

VS.

Civil No. _____

COMMONWEALTH OF VA, Respondent

ORDER FOR EXPUNGEMENT

It appearing to the Court that your Petitioner, _____, has filed in this Court a Petition pursuant to Section 19.2-392.2 of the Code of Virginia, 1950, as amended, praying that police and Court records relating to charges more particularly set forth herein be expunged, and that a copy of any order for expungement be served upon the Department of Criminal Justice Services to be acted upon in accordance with the rules and regulations adopted pursuant to Section 9-190 of the Code of Virginia, as amended; and,

WHEREAS, it further appearing to the Court that the continued existence and possible dissemination of information relating to the arrest of Petitioner, _____, may cause circumstances which constitute a manifest injustice to said Petitioner,

NOW, THEREFORE, in consideration of the foregoing, it is ADJUDGED, ORDERED and DECREED that all police and Court records relating to charges of _____

_____ against said Petitioner,
_____, more particularly set forth and
described in the Petition filed herein, be, and hereby are
expunged; and it is further ORDERED that the Clerk of this
Court serve a copy of this ORDER OF EXPUNGEMENT upon the
Department of Criminal Justice Services to be acted on in
accordance with the rules and regulations adopted pursuant
to Section 9-150 of the Code of Virginia, 1950 as amended.

ENTER: _____

JUDGE

I ask for this:

Petitioner

Seen and Agreed/Objected To:

John R. Doyle, III
Commonwealth's Attorney